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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 PHILLIP J. LYONS,

10 Plaintiff,

11 vs.

12 BRIAN WILLIAMS, et al.,

13 Defendants.
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Case No. 2:12-cv-01825-JAD-GWF

ORDER

15 Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted an
16 amended civil rights complaint pursuant to 42 U.S.C. § 1983 (#8) and an application to proceed in
17 forma pauperis (#1). The court finds that plaintiff is unable to prepay the full filing fee in this
18 matter, but plaintiff will need to pay the filing fee through monthly installments.

19 IT IS THEREFORE ORDERED that:

- 20 1. Plaintiff's application to proceed in forma pauperis (#1) is **GRANTED**. Plaintiff
21 shall not be required to pay an initial installment of the filing fee. If this action is
22 dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).
23 2. The movant herein is permitted to maintain this action to conclusion without the
24 necessity of prepayment of any additional fees or costs or the giving of security
25 therefor. This order granting leave to proceed in forma pauperis shall not extend to
26 the issuance of subpoenas at government expense.
27 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay
28 to the clerk of the United States District Court, District of Nevada, 20% of the

1 preceding month's deposits to plaintiff's account (inmate #33833), in the months that
2 the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this
3 action. The clerk of the court shall send a copy of this order to the finance division
4 of the clerk's office. The clerk shall also send a copy of this order to the attention of
5 the Chief of Inmate Services for the Nevada Department of Corrections, P.O. Box
6 7011, Carson City, NV 89702.

7 4. The clerk shall electronically serve a copy of this order, a copy of the court's
8 screening order (#11) and a copy of plaintiff's amended complaint (#8) on the Office
9 of the Attorney General of the State of Nevada, attention Kat Howe.

10 5. Subject to the findings of the screening order (#11), within **twenty-one (21) days** of
11 the date of entry of this order, the Attorney General's Office shall file a notice
12 advising the court and plaintiff of: (a) the names of the defendants for whom it
13 accepts service; (b) the names of the defendants for whom it does not accept service,
14 and (c) the names of the defendants for whom it is filing last-known-address
15 information under seal. As to any of the named defendants for which the Attorney
16 General's Office cannot accept service, the Office shall file, under seal, the last
17 known address(es) of those defendant(s) for whom it has such information.

18 6. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
19 motion identifying the unserved defendant(s), requesting issuance of a summons, and
20 specifying a full name and address for the defendant(s). For the defendant(s) as to
21 which the Attorney General has not provided last-known-address information,
22 plaintiff shall provide the full name and address for the defendant(s).


23 7. If the Attorney General accepts service of process for any named defendant(s), such
24 defendant(s) shall file and serve an answer or other response to the complaint within
25 sixty (60) days from the date of this order.

26 8. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been
27 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
28 document submitted for consideration by the court. Plaintiff shall include with the

1 original paper submitted for filing a certificate stating the date that a true and correct
2 copy of the document was mailed to the defendants or counsel for the defendants. If
3 counsel has entered a notice of appearance, the plaintiff shall direct service to the
4 individual attorney named in the notice of appearance, at the address stated therein.
5 The court may disregard any paper received by a district judge or magistrate judge
6 which has not been filed with the Clerk, and any paper received by a district judge,
7 magistrate judge, or the Clerk which fails to include a certificate showing proper
8 service.

9 IT IS SO ORDERED.

10 DATED: November 18, 2014

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13 GEORGE W. FOLEY, JR.
14 United States Magistrate Judge
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